RECEIVED BY
OCT 30 2000
BIA Realty
AK Regional Office

CONSTITUTION OF THE NATIVE VILLAGE OF LEVELOCK (As Amended Through September 13, 2000)

PREAMBLE

We, the Alaska Natives of Levelock, Alaska, citizens of the United States and descendants of the original inhabitants of this land, having common bonds of ancestry, culture, and community identity, in order to implement our inherent right of self-government as an Alaska Native people and to further our common political, social, and economic progress, do ordain and establish this constitution.

ARTICLE I. NAME

This community shall be called the Native Village of Levelock.

ARTICLE II. TERRITORIAL JURISDICTION

The territorial jurisdiction of the Native Village of Levelock shall extend to all such Indian Country of the village as may exist under federal law.

ARTICLE III. MEMBERSHIP

Section 1. Base Membership. All persons listed on the Base Roll of the Native Village of Levelock shall be members of the village. The Base Roll is to be certified by the village council within one year of the adoption of this constitution and is to include only those living persons of Alaska Native descent who:

(a) are domiciled in the village at the time the Base Roll is certified; or
(b) were born or raised in the village; or
(c) are so substantially affiliated with the village through extended periods of residency, family ties, or other factors as to be considered members of the village by common community knowledge, as determined by the village council; or
(d) are shareholders of Levelock Natives, Inc. and have other substantial ties to the village, as determined by the village council.

Section 2. New Members.

(a) Children. All children born to members residing in the village and all children biologically of Alaska Native descent who are adopted by members residing in the village shall be admitted to membership upon application.

RECEIVED
BUREAU OF INDIAN AFFAIRS

OCT 30 2000

TRIBAL GOVERNMENT SERVICES
JUNEAU REGIONAL OFFICE

(b) New Residents. Any person of Alaska Native descent who lives in the village for at least six months and intends to remain in the village shall be admitted to membership upon application.

(c) Adopted Members. Any person of Alaska Native descent not otherwise eligible for membership but with family or other significant ties to the village may be admitted to membership at the discretion of the village council.

Section 3. Dual Membership Prohibited. No person may be a member of the Native Village of Levelock who is also an enrolled member of another federally recognized Alaska Native village or Indian tribe.

Section 4. Loss of Membership. Membership may be voluntarily relinquished by written notice to the council. The council may revoke membership involuntarily for just cause upon due process of village law.

Section 5. Regulation of Membership. The village council may establish an enrollment committee to develop the Base Roll and process applications and may establish rules and procedures governing enrollment, including application and appeals procedures.

ARTICLE IV. VILLAGE COUNCIL

Section 1. Name. The governing body of the Native Village of Levelock shall be the Levelock Village Council, referred to herein as the council.

Section 2. Composition. The council shall consist of five resident members of the village who shall be elected by a majority vote of the eligible voters at the annual membership meeting. Council members shall take office immediately upon election.

Section 3. Officers. The council shall include a president, a vice-president, a secretary and a treasurer. The secretary and treasurer may be the same person. Officers shall be elected by the membership during the tri-annual election meeting.

Section 4. Term of Office. Council members shall serve staggered terms of office. At the annual membership meeting initiating staggered terms, the Council member receiving the highest number of votes shall be elected to a three year term, the Council members receiving the second and third highest numbers of votes shall be elected to two year terms, and the Council members receiving the fourth and fifth highest numbers of votes shall be elected to one year terms. At each annual membership meeting following the initiation of staggered terms, the Council members elected at such meeting shall each be elected to a three year term.

Section 3. Forfeiture. Any council member who is convicted of a felony by a state or federal court, who ceases to be a member of the village, or who moves from the village for a period of more than six months shall automatically forfeit his office.

ARTICLE VII. POWERS

Section 1. Assertion of Power. The Native Village of Levelock shall have all rights and powers of a sovereign, self-governing people except to the extent limited by federal law.

Section 2. Powers of Council. Except as otherwise provided by this constitution, all powers of the Native Village of Levelock may be exercised by the village council.

Section 3. Powers to Tax Reserved. No taxes or assessments may be levied without a referendum of the eligible voters of the village.

ARTICLE VIII. POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The eligible voters of the village shall have the right to propose legislation or other community action. Upon receipt of a petition signed by at least 25% of the eligible voters, the council shall call an election to be conducted within thirty (30) days of receipt of the petition. The election shall be by secret ballot. At least 25% of the eligible voters must vote for the election to be binding.

Section 2. Referendum. The village council may call an election for the purpose of deciding any issue or question which is within the authority of the council. At least 25% of the eligible voters must vote for the election to be binding.

Section 3. Voter Decision Binding. The decision of the majority of the voters in both initiative and referendum elections shall be binding on the council and the village and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE IX. RIGHTS OF MEMBERS

Section 1. Rights and Privileges. All members of the village shall enjoy without hindrance their rights as citizens of the United States.

Section 2. Indian Civil Rights Act. In exercising its power of self-government, the village shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, *et seq.*, and not infringe the individual liberties guaranteed therein.

Section 3. Right to Inspect Records. Members of the village shall have the right to review all records of the village government, including financial records, at any reasonable time in accordance with procedures established by the council.

ARTICLE X. DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the community and of the council and shall execute on behalf of the village all contracts, leases, or other formal documents approved by the council. He shall vote in matters before the council. He shall have the general supervision of all other officers, employees and committees of the village and see that their duties are properly performed. When the council is not in session, he shall be the official representative of the community.

Section 2. Vice President. The Vice President shall assist the President when called upon to do so. In the absence of the President, he shall preside and when so presiding shall have all the rights, duties, privileges and responsibilities of the president.

Section 3. Secretary. The secretary shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. He shall maintain in permanent form all minutes, resolutions, ordinances and rules of the village, which shall be public information. He shall issue notices of all meetings and elections and conduct all general correspondence as directed by the council.

Section 4. Treasurer. The treasurer shall carry out the financial directives of the council, receive and safeguard all monies of the council and keep an accurate account of receipts and disbursements. He shall report to the council all receipts and expenditures and the amount and nature of all council funds. Funds shall be deposited in a bank approved by the council where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the council.

ARTICLE XI. MEETINGS

Section 1. Regular and Special Meetings. Regular meetings of the council shall be held monthly, the time, place and date to be designated by the council. Special meetings of the council may be called by the president and shall be called by him upon request of at least two members of the council and when so called, the council shall have power to transact business as in regular meetings.

Section 2. Quorum. A quorum of the council shall consist of three members of the council. No business shall be transacted unless a quorum is present.

Section 3. Conflict of Interest. No council member may vote on any matter pertaining specifically to him or to an immediate family member or on any matter in which he or an immediate family member has a significant financial interest. Nothing herein bars a council member from voting on a matter in which the benefit to him is common to that of village members at large, or bars a council member or a member of his family from employment by the village. Immediate family members are defined as father, mother, brother, sister, wife, husband, son, daughter, or anyone in the council member's household.

Section 4. Open Meetings. All meetings of the council shall be open to the public; provided, that the council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

Section 5. Decisions. Final decisions of the council on matters of permanent interest, such as the passage of village laws and regulations, shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Section 6. Parliamentary Procedure. All meetings shall be conducted in accordance with Roberts Rules of Order or other rules adopted by the council.

Section 7. Village Meetings. Regular meetings of the general membership of the Native Village of Levelock shall be held at least once annually, the date, time and place to be established by the council. Special meetings of the general membership may be called by the president and shall be called by him upon either a majority vote of the council or upon receipt of a petition signed by at least 25% of the eligible voters.

Section 8. Notices. All meetings of the membership must be publicized by the council at least fifteen days in advance. No membership meeting may be called during fishing season or at other times when substantial numbers of village residents are outside the village.

Section 9. Quorum of Membership. A quorum of the general membership at special meetings shall consist of 25% of the eligible voters, and no business shall be conducted unless a quorum is present. There shall be no quorum for regularly scheduled annual meetings.

ARTICLE XII. TRIBAL COURTS

The judicial power of the Native Village of Levelock is vested in the village council. The council may delegate its judicial power in particular cases and may by

ordinance establish a permanent tribal court, or courts, of limited or general jurisdiction.

ARTICLE XIII. SEVERABILITY

If any provision of this constitution should be declared invalid by a federal or tribal court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in effect.

ARTICLE XIV. SAVINGS CLAUSE

Section 1. Existing Law Remains in Effect. To the extent consistent with this constitution, all previous ordinances and resolutions adopted by the traditional council of Levelock and all customary village law shall remain in effect following the adoption of this constitution.

Section 2. Revisions. In the event of future constitutional revisions, all previous ordinances, resolutions and customary village laws shall remain in effect to the extent that they are consistent with the new constitution or amendments.

ARTICLE XV. AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters in an election called for that purpose, provided that at least 25% of those eligible vote. The election may take place at an annual membership meeting.

ARTICLE XVI. ADOPTION

Section 1. Effective Date. This constitution shall be effective immediately when adopted by a majority vote of the eligible voters, as defined in this constitution, at an election or meeting called for that purpose in which at least 25% of those eligible vote.

CERTIFICATION OF ADOPTION

WE, the undersigned members of the Native Village of Levelock, having been selected by vote of the membership to oversee an election called for the purpose of adopting this constitution, certify that we were present at such election conducted on _____, 1988, that this constitution was duly adopted at such election by a vote of _____ for, _____ against, and that at least 25% percent of those entitled to vote cast their ballots.

DATED this _____ day of _____, 1988, at Levelock, Alaska.

_____
Chairman, Election Board

_____
Member, Election Board

_____
Member, Election Board

CERTIFICATION OF AMENDMENT

WE, the undersigned members of the Native Village of Levelock, having been appointed by the Village Council to supervise, administer and conduct the annual election held on September 13, 2000, certify that we were present at such election, and that at such election, the qualified voters of Levelock voted to amend Section 4, Article IV, of the Constitution of the Native Village of Levelock to read as follows:

> Section 4. Term of Office. Council members shall serve staggered terms of office. At the annual membership meeting initiating staggered terms, the Council member receiving the highest number of votes shall be elected to a three year term, the Council members receiving the second and third highest numbers of votes shall be elected to two year terms, and the Council members receiving the fourth and fifth highest numbers of votes shall be elected to one year terms. At each annual membership meeting following the initiation of staggered terms, the Council members elected at such meeting shall each be elected to a three year term.

This amendment was duly adopted at such election by a vote of ____ for and ____ against, and at least 25% of those entitled to vote cast their ballots.

_____
Chairman, Election Committee

_____
Election Committee Member

_____
Election Committee Member

LEVELOCK VILLAGE COUNCIL

ACCEPTANCE OF AMENDMENT TO THE CONSTITUTION OF THE NATIVE VILLAGE OF LEVELOCK

WHEREAS, at the annual meeting of the Native Village of Levelock, held on September 13, 2000, the qualified voters of Levelock voted to amend Section 4, Article IV, of the Constitution of the Native Village of Levelock to read as follows:

> Section 4. Term of Office. Council members shall serve staggered terms of office. At the annual membership meeting initiating staggered terms, the Council member receiving the highest number of votes shall be elected to a three year term, the Council members receiving the second and third highest numbers of votes shall be elected to two year terms, and the Council members receiving the fourth and fifth highest numbers of votes shall be elected to one year terms. At each annual membership meeting following the initiation of staggered terms, the Council members elected at such meeting shall each be elected to a three year term.

THEREFORE, the Levelock Village Council hereby approves and accepts the Election Committee's Certification of Amendment, certifying that the amendment was duly adopted at such election.

ADOPTED and DATED this 16 day of Oct., 2000, at Levelock, Alaska.

President

Secretary